

Chat Participants: Peter Ajemian [REDACTED],
[REDACTED], Adam Dema [REDACTED],
Hannah Smith [REDACTED], Marni Goldberg
[REDACTED]

Chat Start Date: 07/02/23, 19:31:56 PM GMT
Chat End Date: 07/02/23, 22:40:37 PM GMT
Service(s): iMessage

July 02, 2023

[REDACTED]

Attorney Client Privilege and Work Product

PLAINTIFF
U.S. District Court - NDCAL
4:20-cv-05640-YGR-TSH
Epic Games, Inc. v Apple Inc.
Ex. No. **CX-0464**
Date Entered _____
By _____

Attorney Client Privilege and Work Product

Attorney Client Privilege and Work Product

Attorney Client Privilege and Work Product

Sent: 07/02/23, 19:31:56 PM GMT
Service: iMessage

I am urging our colleagues inserted a truncated form of this in the Support

Page. In any case, at least here we
have a rationale that we can point to
for things

Sent: 07/02/23, 19:32:36 PM GMT
Service: iMessage

Marni Goldberg

Liked “ Attorney Client Privilege and Work Product
Attorney Client Privilege and Work ”

Sent: 07/02/23, 19:36:28 PM GMT
Service: iMessage

Peter Ajemian

Liked “ Attorney Client Privilege and Work Product
Attorney Client Privilege and Work ”

Sent: 07/02/23, 19:37:16 PM GMT

[REDACTED]

Attorney Client Privilege and Work
Product

<<Attachment file name: IMG_2101.jpeg >>

Attorney Client Privilege and Work Product

<<Attachment file name: IMG_2102.jpeg >>

Sent: 07/02/23, 21:42:34 PM GMT

Service: iMessage

[REDACTED]

Attorney Client Privilege and Work
Product

Attorney Client Privilege and Work Product

<<Attachment file name: IMG_2103.jpeg >>

Attorney Client Privilege and Work Product

<<Attachment file name: IMG_2104.jpeg >>

Sent: 07/02/23, 21:42:34 PM GMT

Service: iMessage

Marni Goldberg

Got all of that in the QA!

Sent: 07/02/23, 21:43:24 PM GMT

Service: iMessage

Marni Goldberg

It's coming your way shortly.

Sent: 07/02/23, 21:43:26 PM GMT

Service: iMessage

[REDACTED]

Ann is out on Friday so put that we
will ask Carson to do the briefings

Sent: 07/02/23, 21:50:21 PM GMT
Service: iMessage

Marni Goldberg

Copy that

Sent: 07/02/23, 21:50:29 PM GMT
Service: iMessage

Adam Dema

Liked "Ann is out on Friday so put
that we will ask Carso..."

Sent: 07/02/23, 21:50:49 PM GMT
Service: iMessage

Marni Goldberg

Fred — materials and email are in
your inbox

Sent: 07/02/23, 22:21:02 PM GMT
Service: iMessage

[REDACTED]

Ok

Sent: 07/02/23, 22:21:11 PM GMT
Service: iMessage

Marni Goldberg

Wait - making one change

Sent: 07/02/23, 22:21:56 PM GMT
Service: iMessage

Marni Goldberg

Ok resent

Sent: 07/02/23, 22:23:12 PM GMT

Service: iMessage

Ok this is a good start but I do have questions and comments that I'd like to walk through with the team. [REDACTED] The email should also be written in the form of an email to Phil — like AR emails — so that the team can see what we are sending Phil. [REDACTED] Also for our use, not necessarily to share with reporters, the “news” should be summarized at the top: commission, timeframe, appear only once, whatever else, etc. [REDACTED] Please send me an ical for 8am tomorrow to review. [REDACTED] No one has to go to the office tomorrow btw. You can all work from home and blame it on Fred.

Sent: 07/02/23, 22:30:50 PM GMT

Service: iMessage

Marni Goldberg

Fred — copy

Sent: 07/02/23, 22:33:04 PM GMT

Service: iMessage

Marni Goldberg

Will send the iCal

Sent: 07/02/23, 22:33:07 PM GMT

Service: iMessage

Marni Goldberg

And we will review a revision at that time — am I understanding correctly?

Sent: 07/02/23, 22:33:25 PM GMT

Service: iMessage

[REDACTED]

There should also be some scene setting questions about where this information is laid out. [REDACTED] Something like: [REDACTED] Today, Apple publish a Developer N&A which is accompanied by... [REDACTED] And submitted to the court...

Sent: 07/02/23, 22:33:49 PM GMT

Service: iMessage

[REDACTED]

Yes, I want to make sure that this team has reviewed all of the documents before the 8am and ready to discuss them.

Sent: 07/02/23, 22:34:14 PM GMT

Service: iMessage

[REDACTED]

Also we should have a list of anything that we believe is outstanding to share with the bigger team at 9am

Sent: 07/02/23, 22:34:41 PM GMT

Service: iMessage

Marni Goldberg

OK. To be clear, the team did review the documents that were just sent to you but we will revise and have a new version ready to review tomorrow at 8 a.m. PT

Sent: 07/02/23, 22:35:20 PM GMT
Service: iMessage

Marni Goldberg

We will also have a list of outstanding items to share with the bigger team at 9 a.m.

Sent: 07/02/23, 22:35:43 PM GMT
Service: iMessage

[REDACTED]

Ok also marni, I don't think the 72 is finalized so please put xx in there so that we don't mess that up

Sent: 07/02/23, 22:35:48 PM GMT
Service: iMessage

Marni Goldberg

What do you mean "AR emails?"

Sent: 07/02/23, 22:35:54 PM GMT
Service: iMessage

Marni Goldberg

Will do

Sent: 07/02/23, 22:35:54 PM GMT
Service: iMessage

[REDACTED]

The way Peter/Dema write emails to Phil for his approval

Sent: 07/02/23, 22:36:11 PM GMT
Service: iMessage

Marni Goldberg

I see. Peter/Adam can you send an example please? I want to make sure

I am writing consistent with the way
you do this

Sent: 07/02/23, 22:36:40 PM GMT

Service: iMessage



Something like: [REDACTED] Privileged and
Confidential [REDACTED] Colleagues, please
review this email that we would like to
share with Phil. [REDACTED] *** [REDACTED] Privileged and
Confidential [REDACTED] Phil, [REDACTED] Below please find...

Sent: 07/02/23, 22:37:22 PM GMT

Service: iMessage

Peter Ajemian

Liked "I see. Peter/Adam can you
send an example please? ..."

Sent: 07/02/23, 22:37:52 PM GMT

[REDACTED]

He approved the dev briefings so we should lead with that. I didn't pitch him on the press briefings so let's write it as "We would also recommend..."

Sent: 07/02/23, 22:38:32 PM GMT

Service: iMessage

Marni Goldberg

But Fred — didn't you want an email that went to the legal team, sharing with them the QA for their review and also making the ask re: the briefings? That was my understanding. Perhaps we need both. 1) an email to legal and 2) a draft for Phil

Sent: 07/02/23, 22:38:54 PM GMT

Service: iMessage

[REDACTED]

We do this 5x a day. Yes but Peter can show you how to write it in the form of an email to Phil

Sent: 07/02/23, 22:39:27 PM GMT

Service: iMessage

[REDACTED]

I want them to see what we will tell Phil

Sent: 07/02/23, 22:39:49 PM GMT

Service: iMessage

Also to be clear, we will provide the devs and the reporters the legal filings and the dev documents online so while the briefer won't be able to be quoted, the briefings won't be off the record.

Sent: 07/02/23, 22:40:27 PM GMT
Service: iMessage

Marni Goldberg

OK. I understand.

Sent: 07/02/23, 22:40:27 PM GMT
Service: iMessage

[REDACTED]

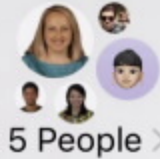
Let's let make sure we make that clear

Sent: 07/02/23, 22:40:35 PM GMT
Service: iMessage

Marni Goldberg

Ok

Sent: 07/02/23, 22:40:37 PM GMT
Service: iMessage



5 People >

Jennifer Brown

Those are the two places, but I think the surrounding language is also relevant

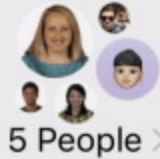
Many platforms charge a commission or other fee for similar transactions, with windows ranging from 24 hours to 30 days, or even longer. The App Store affords many more tools to developers than most online marketplaces, and [[YY]] hours appropriately credits Apple for facilitating linked transactions

Apple limits the commission to those transactions taking place on the developer's website within [YY] hours after a user clicks an External Purchase Link, consistent with how other platforms address similar kinds of transactions. Fischer Decl. ¶ __. Undoubtedly, this window will not capture all



iMessage





5 People >

As far as the rationale for the duration—the two mentions I see in the filings are in the statement of compliance page 12, line 14 (“the longer the time between the link out and the purchase, the more attenuated the connection between the purchase and Apple’s facilitation of the purchase.”) and in Matt’s declaration page 8, line 24 “Many platforms charge a commission or other fee for similar transactions, with windows ranging from 24 hours to 30 days. or even longer.”



iMessage



Q W E R T Y U I O P

A S D F G H J K L

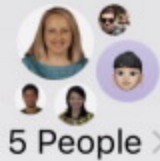
↑ Z X C V B N M ↵

123

space

return





Are there others?

Jennifer Brown

Those are the two places, but I think the surrounding language is also relevant

Many platforms charge a commission or other fee for similar transactions, with windows ranging from 24 hours to 30 days, or even longer. The App Store affords many more tools to developers than most online marketplaces, and [[YY]] hours appropriately credits



iMessage



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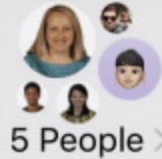


123

space

return





5 People >

those transactions taking place on the developer's website within [YY] hours after a user clicks an External Purchase Link, consistent with how other platforms address similar kinds of transactions. Fischer Decl.

¶ __. Undoubtedly, this window will not capture all transactions that Apple has facilitated through the App Store, but it balances (1) Apple's entitlement to a commission for purchases facilitated through the App Store, even if the user waits a small amount of time after leaving the App Store to actually finalize the purchase, with (2) the fact that the longer the time between the link out and the purchase, the more attenuated the connection between the purchase and Apple's facilitation of the purchase



iMessage

